UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/440,620	11/15/1999	Todd C. Lawson	8762.37	3180

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EXAMINER
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ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application N		Applicant(s)	
Office Action Summary		09/440,620		LAWSON ET AL.	
		Examiner		**Art Unit**	
		Hai V. Nguyen		2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 November 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-43* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: .

DETAILED ACTION

1.   This Office Action is in response to the communication received on 19 November

2003.

2.   Claims 1-43 are presented for examination.

Continued Examination Under 37 CFR 1.114

3.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 19

November 203 has been entered.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of
> making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the
> art to which it pertains, or with which it is most nearly connected, to make and use the same and shall
> set forth the best mode contemplated by the inventor of carrying out his invention.

5.   Claims 1, 11, 21, and 31 are rejected under 35 U.S.C. 112, first paragraph,

because the specification, while being enabling for the limitation of "...*monitoring said*

specific events as they occur over the DCE," (Applicants specification, paper #7A,

page 2-3; and the originally filed specification, pages 5, 38), does not reasonably

provide enablement for the limitation of "...*monitoring said specific events as they*

are passed from one controller to another controller of said DCE;" in claims 1, 11,

21, 31. The specification does not enable any person skilled in the art to which it

pertains, or with which it is most nearly connected, to make the invention commensurate

in scope with these claims.

In this case, the functionality of "monitoring the specific events over the DCE", is

just the matter of setting up the specific events list, for example, the applications like

Oracle, Sybase, SQL server, IBM DB2, Lotus Notes, Exchange Email, etc., from the

System Administrator's function of configuration of applications in which he/she wants to

monitor how these applications perform over the system and notify him/her those

specific events. Then, System Administrator or Database Administrator within the

Distributed Computing Environment configures these specific events. So, the System

administrator is the one who controls the configuration of monitoring and notification of

the specific events list over the DCE (see Applicants' specification, pages 15-27).

Therefore, the Applicants' amended claims 1, 11, 21, and 31 in which the limitation of

"…monitoring said specific events as they are passed from one controller to

another controller of said DCE;" is not enabled in the specification.

Claims Objection

6.   Claims 11, 21 are objected to because of the following informalities: the "DCS"

does NOT mean the "Distributed Computer Environment". Appropriate correction is

required.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Lawson et al. Patent no. (US 5,721,825) in view of Boukobza et al. patent no. (US

6,122,664).

9.   As to claim 1, Lawson, System And Method For Global Event Notification And

Delivery In A Distributed Computing Environment, discloses in a distributed computer

system (DCE) that provides event globalizing of at least one event at one server in said

DCE to other servers within said DCE, a method of maintaining a record of specific

event activity over said DCE comprising:

storing a global event repository comprising a list of events and a corresponding

list of servers in order to identify which of said servers should receive which events

(Lawson, col. 4, lines 45-53);

storing a local event registry comprising a list of events and a corresponding list

of local event consumers in order to identify which of said local event consumers should

receive which events *(Lawson, col. 4, lines 45-53)*; However, Lawson does not explicitly

discloses identifying specific events within the list of events to be monitored for a

specific purpose. Thus, the artisan would have been motivated to look into the related

networking art for potential method and apparatus for implementing network monitoring

process.

In the same field of endeavor, Boukobza, related Process For Monitoring A Plurality Of

Type Of A Plurality Of Nodes From A Management Node In A Data Processing System

By Distributing Configured Agents, discloses in an analogue art (i.e., network

monitoring), identifying specific events (specific parameters or son objects) within the

list of events to be monitored for a specific purpose (the list of parameters/son objects

within the specific module for specific application like Oracle, or Tuxedo, or Sybase...).

Boukobza discloses that each specific module, SM1, SM2,...,SMn, documents its

predefined part by offering default lists for the selection of parameters to be

measured...*During the configuration of the monitoring, the user of the management*

node describes the objects to be monitored... and specifies modifications relative to the

default choice of the specific modules (Boukobza, col. 5, lines 47-67; col. 6, lines 1-15).

Accordingly, it would have been obvious to one of ordinary skill in the networking art at

the time the invention was made to have incorporated of the teachings of Boukobza of

the monitoring configurations with the teachings of Lawson, for the purpose of

effectively monitoring the operation of one or more applications in a plurality of nodes

(Boukobza, col. 2, lines 11-20). Boukobza suggests that the process makes it possible

to significantly reduce the traffic on the line and the reaction time when events occur

(Boukobza, col. 2, line 11-20). Boukobza also suggests that while generally the object to

be monitored is related to a single (basic) object which is part of production

environment, this object can also be a global object (or global application), that is a set

of basic objects containing, for example, one or more databases as well as an

application of the Tuxedo type and possibly other basic objects. These global objects

can either be known beforehand and therefore processed in a specific way, or unknown,

in which case they are processed as an opaque entity which is opaque but which

contains known basic objects. In each agent, installed as near as possible or locally to

the objects to be processed, a plurality of specific modules are integrated, each module

being specific to an object type such as Oracle, Informix, Tuxedo, UNIX system,

distributed Print facility (DPF), etc. Each specific module measures parameters specific

to the type of object it monitors, and suggests a default list of parameters to be

measured, conditions to be evaluated and associated actions (*Boukobza, col. 2, line 66*

– col. 4, line 22). Boukobza also discloses that the parameter "ORA_FREE_TS", in

which the measurement consists of determining the percentage of free space relative to

the size of the table space....to the interface GUI (GUI/Events) *(Boukobza, col. 15, lines*

10-45).

Lawson-Boukobza discloses, monitoring said specific events as they are passed

from one controller to another controller of said DCE *(Boukobza, once the monitoring is*

configured, it can be activated (col. 6, lines 15-20); Abstract, col. 2, line 13 – col. 3, line

39); and

Lawson-Boukobza discloses notifying a specific local event consumer of the

occurrence of said specific events *(Boukobza, to display the status of an object or the*

curve of a parameter or to notify the administrator (Boukobza, col. 6, lines 21-28; col.

15, lines 33-36); and

Lawson-Boukobza discloses recording a log of event activity involving only said

specific events *(Boukobza, collecting (in the management node) the log files SL of the*

parameters as well as the log files of the actions of each node monitored (Boukobza,

col. 6, lines 36-42)).

10.   As to claim 2, Lawson-Boukobza discloses, further comprising the step of storing

filtering criteria that is used to filter specific events that occur so that only notification of

events meeting the stored filtering criteria is sent *(Lawson, col. 5, lines 26-65;*

Boukobza, Abstract; col.2, lines 13-38; col. 3, lines 40-59).

11.   As to claim 3, Lawson-Boukobza discloses, wherein said stored filtering criteria

specifies at least one event consumer and the filtering criteria associated with the at

least one event consumer *(Lawson, col. 5, lines 26-65; Boukobza, Abstract; col.2, lines*

13-38; col. 3, lines 40-59).

12.   As to claim 4, Lawson-Boukobza discloses, wherein said global event registry is

accessible to a plurality of servers so that each of said plurality of servers can access

the list of events and the corresponding list of servers stored in said global event

registry *(Boukobza, by downloading the configuration file, for example, the autonomous*

agents are installed via the interface IWMN (of the node N1) with the management node

MN, in the nodes to be monitored from the MN, col. 4, lines 35-67; col. 5, 1-18).

13.   As to claim 5, Lawson-Boukobza discloses, wherein said global event registry is

distributed across a plurality of servers and wherein said plurality of servers can access

said global event registry to retrieve desired information therefrom *(Boukobza, col. 4,*

lines 35-67; col. 5, 1-18).

14.   As to claim 6, Lawson-Boukobza discloses, further comprising the step of

registering for an event by placing an entry into at least one of said global event registry

or said local event-registry, said entry comprising a server and a corresponding event if

said-envy is placed in said global event registry and said entry comprising a local event

consumer and a corresponding event if said entry is placed in said local event registry

(Lawson, col. 10, lines 1-67; Boukobza, col. 5, lines 19-62).

15.   As to claim 7, Lawson-Boukobza discloses, further comprising the step of

creating a new event type by placing an entry into at feast one of said global event

registry or said local event registry, said entry comprising a server and a corresponding

new event type if said entry as placed in said global event registry and said entry

comprising a local event consumer and a corresponding new event type if said entry is

placed in said local event registry *(Lawson, col. 10, lines 1-67; Boukobza, col. 5, lines

19-62).*

16.   As to claim 8, Lawson-Boukobza discloses, wherein the notifying step further

comprises notifying a system administrator of the specific event *(Boukobza, col. 6, lines

21-28).*

17.   As to claim 9, Lawson-Boukobza discloses, wherein the recording step

comprises recording information regarding the specific events *(Boukobza, col. 6, lines

36-42).*

18.   As to claim 10, Lawson-Boukobza discloses, wherein the recorded information is

selected from the list comprising: time of occurrence, event source type, setting name,

event name, class name, perpetrator, originating server, attribute name, attribute value

(Lawson, col. 5, lines 47-62).

19.   As to claim 11, Lawson-Boukobza discloses, in a distributed computer

environment (DCS) that provides event globalizing of at least one event at one server in

said DCS to other servers within said DCS, a method of maintaining a record of specific

event activity over said DCS comprising:

storing a global event repository comprising a list of events and a corresponding

list of servers in order to identify which of said servers should receive which events

(Lawson, col. 4, lines 45-53);

storing a local event registry comprising a list of events and a corresponding list

of local event consumers in order to identify which of said local event consumers should

receive which events *(Lawson, col. 4, lines 45-53);*

identifying specific events within the list of events to be monitored for a specific

purpose *(Boukobza, col. 5, lines 47-67; col. 6, lines 1-15);*

monitoring said specific events as they are passed from one controller to another

controller of said DCS *(Boukobza, once the monitoring is configured, it can be activated*

(col. 6, lines 15-20); Abstract, col. 2, line 13 – col. 3, line 39);

automatically updating the local event registry based upon authorized changes to

a given event or local event consumer *(Boukobza, the updating of the list of the nodes*

in which an autonomous agent is installed is done automatically by the management

node (col. 4, lines 35-67; col. 5, lines 1-18);

notifying a specific local event consumer of the occurrence of said specific

events *(Boukobza, to display the status of an object or the curve of a parameter or to*

notify the administrator (Boukobza, col. 6, lines 21-28)); and

recording a log of event activity involving only said specific events *(Boukobza,*

collecting (in the management node) the log files SL of the parameters as well as the

log files of the actions of each node monitored (Boukobza, col. 6, lines 36-42)).

20.   Claims 12-15 are the corresponding method claims of claims 2-5; therefore, they

are rejected under the same rationale.

21.   As to claim 16, Lawson-Boukobza discloses, wherein said notifying step further

comprises evaluating a set of rules to determine the specific event consumer to notify

(Boukobza, col. 3, lines 40-67; col. 4, lines 1-22; col. 5, lines 63-67; col. 6, lines 1-15).

22.   As to claim 17, Lawson-Boukobza discloses, wherein said notifying step further

comprises filtering said specific went to match said specific event to an appropriate

event consumer *(Boukobza, one of the basic function BF requesting the value will*

transfer this request to the management node, which will then direct to the appropriate

node (Boukobza, col. 5, lines 19-67; col. 6, lines 1-15).

23.   Claims 18-20 are substantially the same as claims 8-10; therefore they are

rejected under the same rationale.

24.   As to claim 21, Lawson-Boukobza discloses in a distributed computer

environment (DCS) that provides event globalizing of at least one event at one server in

said DCS to other servers within said DCS, a method of maintaining a record of specific

event activity over said DCS comprising:

storing a global event repository comprising a list of events and a corresponding

list of servers in order to identify which of said servers should receive which events

(Lawson, col. 4, lines 45-53);

storing a local event registry comprising a list of events and a corresponding list

of local event consumers in order to identify which of said local event consumers should

receive which events *(Lawson, col. 4, lines 45-53)*;

identifying specific events within the fist of events to be monitored for a specific

purpose *(Boukobza, col. 5, lines 47-67; col. 6, lines 1-15)*;

monitoring said specific events as they are passed from one controller to another

controller of said DCS *(Boukobza, once the monitoring is configured, it can be activated*

(col. 6, lines 15-20); Abstract, col. 2, line 13 – col. 3, line 39);

automatically updating the local event registry based upon authorized changes to

a given event or local event consumer *(Boukobza, the updating of the list of the nodes*

in which an autonomous agent is installed is done automatically by the management

node (col. 4, lines 35-67; col. 5, lines 1-18);

notifying a specific local event consumer of the occurrence of said specific

events *(Boukobza, to display the status of an object or the curve of a parameter or to*

notify the administrator (Boukobza, col. 6, lines 21-28));

revoking a specific event that is not authorized *(Boukobza, "param_ident" is the*

identifier of the parameter. For the parameters predefined by the specific modules,

"param_ident" is a described keyword: the user can modify certain attributes of this

predefined parameter (period, "trace", display, the condition) or suppress it but he can

not change the command, col. 9, lines 10-19); and

recording a log of event activity involving only said specific events *(Boukobza,*

collecting (in the management node) the log files SL of the parameters as well as the

log files of the actions of each node monitored (Boukobza, col. 6, lines 36-42)).

25.   Claims 22-30 are substantially the same as claims 12-20; therefore, they are

rejected under the same rationale.

26.   Claim 31 recites a system corresponding to the method of operations of claim 1.

The system claimed is obvious in that it simply follows the logical implementation of the

method indicated in the referenced claims to perform each of the logical steps of

managing network monitoring method that results from the combination of the

references discussed above regarding the claims to the method of operations. Thus, the

system described in claim 31 would have been obvious in view of the elements provided

in the combination of the references, which correspond to the steps in the method for

the same reasons discussed above regarding claim 1.

27.   Claims 32-40 are substantially the same as claims 22-30; therefore they are

rejected under the same rationale.

28.   As to claim 41, Lawson-Boukobza discloses, wherein the global event services

controller updates the local event registry based upon authorized changes to a given

event or local event consumer *(Boukobza, the updating of the list of the nodes in which*

an autonomous agent is installed is done automatically by the management node (col.

4, lines 35-67; col. 5, lines 1-18);

29.   As to claim 42, Lawson-Boukobza discloses, wherein the data event controller revokes a specific event that is not authorized *(Boukobza, "param_ident" is the identifier of the parameter. For the parameters predefined by the specific modules, "param_ident" is a described keyword: the user can modify certain attributes of this predefined parameter (period, "trace", display, the condition) or suppress it but he can not change the command, col. 9, lines 10-19).*

30.   As to claim 43. Lawson-Boukobza discloses, wherein each event consumer utilizes the set of rules to determine what action to take *(Boukobza, col. 27, lines 38-67; col. 28, lines 1-31).*

31.   Further references of interest are cited on Form PTO-892, which is an

attachment to this action.

32.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hai V. Nguyen whose telephone number is 703-306-

0276. The examiner can normally be reached on 8:00-4:30 Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3230.

JACK B. HARVEY
SUPERVISORY PATENT EXAMINER

Hai V. Nguyen
Examiner
Art Unit 2142